

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TRISTAR INVESTORS, INC.,

Plaintiff,

v.

AMERICAN TOWER CORPORATION,  
*et al.*,

Defendants.

CIVIL ACTION NO. 3:12-CV-499-M

AMERICAN TOWER, LLC, *et al.*,

Counter-Plaintiffs,

v.

TRISTAR INVESTORS, INC., *et al.*,

Counter-Defendants.

**JOINT MOTION TO MODIFY ORDER OF REFERRAL FOR MEDIATION [DOC. 190]**  
**TO EXTEND MEDIATION DEADLINE**

All parties to this action file this Joint Motion to Modify Order of Referral for Mediation [Doc. 190] to Extend Mediation Deadline and would respectfully show as follows:

1. On June 10, 2013, this Court entered its Order of Referral for Mediation [Doc. 190] which appointed Mr. Stephen Saltzburg as the mediator and ordered the parties to complete mediation by July 31, 2013. At the time the Court entered this Order, trial was set for October 28, 2013, fact discovery had officially closed (although the parties, by agreement, continued to conduct depositions), and initial expert reports were due on June 26, 2013.

2. Pursuant to the Order of Referral for Mediation, the parties agreed and scheduled to mediate the case on July 19, 2013.

3. On June 19, 2013, the Court entered its Amended Scheduling Order [Doc. 196]. The Amended Scheduling Order reset the trial date for this Court's two-week docket beginning January 21, 2014. It also reopened fact discovery and moved the expert designation dates and dispositive motion dates back a little over two months.

4. The parties are still engaged in fact discovery and are not due to exchange initial expert reports until August 16, 2013. The parties are in agreement that mediation will have a much greater chance of success if conducted after the close of discovery, after expert reports are exchanged, and after motions for summary judgment are filed.

5. In light of the foregoing, the parties respectfully request that the Court modify its Order of Referral for Mediation [Doc. 190] to provide that the parties complete mediation by November 15, 2013.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2013, I served a true and accurate copy of the foregoing document on all counsel of record via filing of the same with the Court's CM/ECF system.

/s/ Tyler J. Bexley